IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15464 of 2005

Between:

1. Tarigoppala Sridevi, W/o.Naga Malleswara Rao,
   R/o.Mylavaram, Mylavarama Mandal, Krishna District.
2. Challa Sambasiva Rao s/o Venkata Subbaiah,
   R/o.Mylavaram, Mylavarama Mandal, Krishna District.
3. Vemparala Kanaka Durgamma W/o.Ramesh
   R/o.Mylavaram, Mylavarama Mandal, Krishna District.
4. Chella Vijaya Lakshmi W/o.Venkata Krishna Rao
   R/o.Mylavaram, Mylavarama Mandal, Krishna District.
5. Challa Venkata Subbaiah S/o.Veeraiah
   R/o.Mylavaram, Mylavarama Mandal, Krishna District.

..... PETITIONERS

AND

1. The District Collector, Krishna at Machilipatnam.

2. The Sub Collector Cum Sub-Divisional Magistrate

Vijayawada,Krishna District.

3. The Mandal Revenue Officer Mylavaram,

Mylavaram Mandal, Krishna District.

4. The Mandal Revenue Inspector, Mylavaram,

Mylavaram Nadal, Krishna District.

5. Yarranguntla Jamalayya S/o.Kotaiah
   R/o.Jangalapally Village, Mylavaram Mandal, Krishna District.
6. Bandaru China Adam S/o.Nagaiah
   R/o.Jangalapally Village, Mylavaram Mandal,

Krishna District.

7. Nimmakuri Peda Dasu S/o.Purushottam
   R/o.Jangalapally Village, Mylavaram Mandal, Krishna District.

8. Dondapati Babu S/o Venkataramaiah
   R/o.Jangalapally Village, Mylavaram Mandal, Krishna District.

9. Nimmakuri Pullaiah S/o.Laxmaiah
   R/o.Jangalapally Village, Mylavaram Mandal,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly in the nature of writ of Mandamus to direct the respondents not to dispossess the petitioners from the agricultural land extent Ac 5.02 cents each situated in Sy.No.186/3, 186/4 190/1, 190/2, 190/3, 190/4, 191/1, 191/2, 191/4 of Mylavaram Village and Mandal Krishna District pending disposal of the revisions on the file of the 1st respondent in the interest of justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondent No. 1to 4: GP FOR REVENUE

Counsel for the Respondent No.5 to 9 : None appeared.

The Court at the admission made the following :

ORDER:

The petitioners who are landless poor, have taken agricultural lands on lease and also entered into bonafide transaction, paying substantial sum, from respondents 5 to 9 in an extent of Ac.5.02

cents in different in Sy. Nos. 186/3 & 4, 190/1 to 4, 191/1,2 and 4 of Mylavaram villabge and also developed the land. The 3rd respondent issued notice dated 17.12.1990 directed the petitioners to submit explanation as to why they should not summarily be evicted from the said lands and on receipt of the said explanation, no action was initiated. But on 22.1.2005, the third respondent issued impugned order, without conducting any enquiry, stating that the said lands were purchased in contravention of Sec. 3(1) and (2) of the A.P. Assigned Land (Prohibition of Transfers) Act, 1977 and directed the 4th respondent to evict the petitioners. Since the order impugned suffers from violation of principles of natural justice, the petitioners filed appeal Nos. 224 of 2005 to 232 of 2005 before the 2nd respondent and also filed stay petition seeking stay of eviction, but no orders were passed. As such the petitioners filed WAP No. 11349 of 2005 wherein by order dated 17.5.2005 this court directed the respondents not to dispossess the petitioners from the land pending disposal of appeals before the 2nd respondent. Thereafter, the appeals were dismissed by the 2nd respondent and the petitioners preferred revision before the first respondent under Sec. 4(1) (a) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 on 13.7.2005, inasmuch as they have got substantial legal position in their favour and also sought stay of the operation of impugned orders passed by the 2nd and 3rd respondents, but since no stay was granted, in the revision, the petitioners invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Evidently, the revisions are pending before the first respondent. It is a settled position of law that the respondents shall not dispossess the petitioners without following due process of law and that too during the pendency of revision. Therefore, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the first respondent to dispose of the revisions preferred by the petitioners under Sec. 4(1) (a) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977,

within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioners from the lands in question. No order as to costs.

Elipe Dharma Rao, J.

July 15, 2005

MAS.

To

1. The District Collector, Krishna at Machilipatnam.

2. The Sub Collector Cum Sub-Divisional Magistrate

Vijayawada,Krishna District.
3. The Mandal Revenue Officer Mylavaram,

Mylavaram Mandal, Krishna District.
4. The Mandal Revenue Inspector, Mylavaram,

Mylavaram Nadal, Krishna District.
5. Two CCs to the Govt. Pleader for Revenue, High Court Building,

Hyderabad.

6. 2 CD copies

7. 1 CC to MR.NAGENDRA REDDY

*Form-NIC-OGS/WP{**MPL**}*